



*United States Attorney
Southern District of New York*

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**U.S. SUES NEW YORK CITY TRANSIT AUTHORITY
FOR VIOLATIONS OF THE CLEAN AIR ACT**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and JANE KENNY, the Administrator for Region II of the Environmental Protection Agency ("EPA"), announced that the United States filed a civil lawsuit today in Manhattan federal court against THE NEW YORK CITY TRANSIT AUTHORITY ("TA") seeking an injunction requiring the TA to comply with applicable provisions of the Clean Air Act and the EPA's Stratospheric Ozone Protection regulations. The suit also seeks the payment of a civil penalty in an amount up to \$27,500 for each day of violation.

The case was assigned to United States District Judge LORETTA A. PRESKA.

The purpose of the provisions of the Clean Air Act and the EPA regulations cited in this suit is to reduce the release

into the atmosphere of ozone-depleting, chlorofluorocarbon ("CFC") refrigerants. Accordingly, the EPA regulations require that owners and operators of air conditioning units that normally contain more than 50 pounds of CFC refrigerant repair leaks if the leak is such that the loss of the refrigerant will exceed an annual leak rate of 15 percent. These repairs must be made within 30 days of the day the leak was, or should have been, discovered. The regulations also require that owners and operators of such units keep records of the date and type of repair made, as well as the amount of refrigerant added to a unit.

According to the Complaint, since May 1998, the TA has failed on a number of occasions to repair New York City subway car air conditioning units covered by the regulations. Those air conditioning units normally contain more than 50 pounds of CFC refrigerant. The Complaint alleges that the TA violated the regulations both by failing to make repairs to the subway car air conditioning units, causing CFC refrigerant to be released into the atmosphere, and by failing to keep complete records of the amount of refrigerant it was adding to those units.

Mr. KELLEY thanked the EPA for its investigation of this case.

Assistant United States Attorney EMILY REISBAUM is in charge of the case.

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